

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**-against-**

**ROBERT J. MUELLER, DEEPROOT FUNDS  
LLC (a/k/a dprt Funds, LLC), AND POLICY  
SERVICES INC.,**

**Defendants,**

**-and-**

**DEEPROOT TECH LLC, DEEPROOT  
PINBALL LLC, DEEPROOT STUDIOS LLC,  
DEEPROOT SPORTS & ENTERTAINMENT  
LLC, AND DEEPROOT RE 12621 SILICON DR  
LLC,**

**Relief Defendants.**

**Civil Action No.: 5:21-cv-785-XR**

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION'S  
DESIGNATION OF POTENTIAL WITNESSES**

Pursuant to the Court's Scheduling Order, ECF No. 140, Plaintiff Securities and Exchange Commission submits the below list of witnesses it expects to call and may call at the trial of this matter.

**I. WITNESSES THE SEC EXPECTS TO PRESENT**

1. Scott Allen  
3009 Quail Hollow  
McKinney, TX 75072  
(801) 669-2784
2. Jeffrey Anderson  
SEC employee and summary witness, contact through counsel

3. Dennis Concilla, Esq.  
c/o Monica Sansalone, Esq.  
Gallagher Sharp LLP  
1215 Superior Ave., 7<sup>th</sup> Floor  
Cleveland, OH 44114  
(216) 522-1154
4. Andrew Federico, Esq.  
c/o Monica Sansalone, Esq.  
Gallagher Sharp LLP  
1215 Superior Ave., 7<sup>th</sup> Floor  
Cleveland, OH 44114  
(216) 522-1154
5. John Gray  
205 Viticole Lane  
Little Rock, AK 72223  
(713) 705-7973
6. Brenda Jennings  
11515 Fawnway Dr.  
Houston, TX 77048  
(713) 898-1298
7. Brad Leon  
620 Vista View Drive  
Ashville NC 28803-8572  
(828) 273-0205
8. Charles McClain  
601 W FM 117  
Dilley, Texas 78017-3407  
(830) 965-2139
9. Robert Mueller
10. Bill Post  
50 California Street, Suite 1900  
San Francisco, CA 94111  
SEC expert, contact through counsel

**II. WITNESSES THE SEC MAY PRESENT**

1. Charlotte Acker  
2313 Brittany Grace  
New Braunfels, TX 78130-8937  
(325) 388-8460  
(210) 862-9622
2. Lauren R. "Becca" Adams  
12019 Trewell Glen  
San Antonio, TX 78249  
(843) 903-2854
3. Thomas Andrew  
c/o Thomas D. Sherman, Esq.  
Locke Lord, LLP  
Terminus 200, Suite 1200  
3333 Piedmont Road, N.E.  
Atlanta, GA 30305  
(404) 870-4672
4. Carlotta Grice  
17819 Scrub Oak Dr.  
Richmond, Texas 77407  
(832) 423-0530
5. Patrick Lowe  
c/o Randy Pulman  
Pulman, Cappuccio & Pullen, LLP  
2161 NW Military Highway, Suite 400  
San Antonio, TX 78213  
(210) 222-9494
6. Russell Putnam  
FactRight  
7500 Flying Cloud Dr., Suite 755  
Eden Prairie, MN 55344
7. Nathan Spradlin  
c/o Andrew R. Shedlock, Esq.  
Kutak Rock LLP  
60 South Sixth Street, Suite 3400  
Minneapolis, MN 55402-4018  
(612) 334-5022

8. Chris Turner  
c/o J.D. Pauerstein, Esq.  
Rosenthal Pauerstein Sandoloski Agather LLP  
755 East Mulberry, Suite 200  
San Antonio, TX 78212  
(210) 225-5000

9. Representatives from the following entities:<sup>1</sup>

- a. Cycladic International
- b. deeproot Funds or other related corporate entities
- c. Factright, LLC
- d. The Valhalla Group
- e. Wells Fargo

This witness list is based on the current status of this matter including the Court's rulings on the parties' motions *in limine* that excluded potential testimony from witnesses named on the parties' previous witness lists. The SEC reserves the right to supplement, correct, or clarify its list of trial witnesses or to withdraw the designation of any witness, particularly in light of any future decision or order of this Court. The SEC further reserves the right to call as a witness and/or elicit testimony from, on either direct or cross-examination, all witnesses listed as trial

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<sup>1</sup> The SEC plans to offer documents into evidence from these and other entities pursuant to Federal Rules of Evidence 803(6), 902(11), and 902(13). Prior to the December 4, 2023, trial date, the parties met and conferred and resolved most of the parties' objections to the admission of evidence pursuant to Rules 803(6), 902(11), and 902(13). See Proposed Joint Pretrial Order, Appendixes A and B, ECF Nos. 129-1 and 129-2 (identifying exhibits to which neither party objected). This list of potential corporate representative witnesses is limited to only business entities that produced documents that the SEC marked as trial exhibits and that defendant Mueller has previously objected on the grounds of foundation and/or hearsay. The SEC reserves the right to add additional corporate representative witnesses if defendant Mueller makes additional objections on foundational or hearsay grounds. The SEC expects the parties will meet and confer regarding the admissibility of the few remaining objections eliminating the need to call most, if not all, of these corporate representatives.

witnesses by the defendant and any other witnesses from whom the defendant is permitted to elicit testimony.

Dated: April 19, 2024

Respectfully submitted,

/s/ Charlie L. Divine

Charlie L. Divine, Trial Counsel  
Kristen M. Warden, Trial Counsel  
Fernando Campoamor, Trial Counsel  
David Nasse, Supervisory Trial Counsel  
U.S. Securities and Exchange Commission  
100 F Street NE  
Washington, DC 20549  
(202) 551-6673 (Divine)  
(202) 551-4661 (Warden)  
(202) 551-8523 (Campoamor)  
(202) 551-4426 (Nasse)  
[divinec@sec.gov](mailto:divinec@sec.gov)  
[wardenk@sec.gov](mailto:wardenk@sec.gov)  
[campoamorsanchezf@sec.gov](mailto:campoamorsanchezf@sec.gov)  
[nassed@sec.gov](mailto:nassed@sec.gov)

*Counsel for Plaintiff Securities and Exchange  
Commission*

**CERTIFICATE OF SERVICE**

I certify that on April 19, 2024, a true and correct copy of this Witness List was filed electronically through the Court's CM/ECF system, which will send copies to all counsel of record.

/s/ Charlie L. Divine

Charlie L. Divine

*Counsel for Plaintiff United States Securities  
and Exchange Commission*